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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.768 OF 2007
IN
FIRST APPEAL NO.2866 OF 2006

Banibai Dhondu Sutar & Ors. ... Applicants

V/s.

Maharashtra Industrial Development Corporation & Ors. ... Respondents

Mr.Rajesh Datar for Applicant
Mr.Vinay Bhate h/f P.P. Chavan i/b A.R. Bhole and G.S. Hegde for Respondent No.1
Mrs.Geeta Mulekar, AGP, for Respondent No.2
Mr.A.M.Nathani for Respondent No.3

CORAM: **S.B. MHASE &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 28, 2007**

P.C.:

. This is a Civil Application for withdrawal of the amount which was deposited in the trial Court. We have noted the said deposit by order dated 8.1.2007 when we confirmed the stay order in Civil Application No.4573 of 2006 in Appeal No.2866 of 2004. The Applicants in this application are the claimants of the said amount. Their land has been acquired by Respondent Nos.1 to 3. The learned Counsel for Respondent No.1 opposes the release of the amount. But having found that it is the amount of compensation to be paid to the claimants, we are in favour of releasing the amount in the following

manner:

> We direct the trial Court is directed to release 50% of the deposited amount without surety and the remaining 50% to be released on furnishing solvent surety to the satisfaction of the trial Court.

2. Civil Application is disposed off accordingly.

(NISHITA MHATRE, J.) (S.B. MHASE, J.)